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James Brice

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JAMES BRICE.

JANUARY 15, 1878.—Laid on the table and ordered to be printed.

Mr. ELLSWORTH, from the Committee of Claims, submitted the following

REPORT:

[To accompany bill H. R. 562.]

The Committee of Claims, to whom was referred the bill (H. R.) 562 for the relief of James Brice, of Jackson County, Missouri, for depredations committed by the Arapaho Indians, report :

The bill is for the relief of James Brice, of Missouri, county of Jackson. As appears from the petition of the memorialist, he is a resident of Kansas City, in the State of Missouri; that during the summer of 1868, the said James Brice entered into a contract with the Overland Mail Company, of California, for the delivery to them of 800 tons of hay at \$15 per ton; that while engaged on the Arkansas River, eleven miles from Fort Lyon, in cutting hay to fill this contract, a raid was made upon his encampment by the Arapaho Indians, who captured and ran off forty-five mules, which the memorialist claims were worth \$250 each.

That previous to the raid the memorialist made application to the commander of Fort Lyon for a guard to protect him from the Indians, on the ground that if his hay was destroyed it would interfere with the carrying of the United States mails, and therefore it was to the interest of the United States to protect him in carrying out his contract.

This application was refused on the ground that, he being so near the fort, there was no danger of his being molested by the Indians.

At the time of said raid he had already cut and put up, ready for delivery, 540 tons of hay, to deliver which, on account of the loss of his mules, he was compelled to hire teams, at a cost to him of \$3,000. He also was compelled to give up his contract, whereby he lost \$3,900 on 260 tons of hay at \$15 per ton.

In accordance with the regulations of the Indian Department, his claim to be paid \$18,150, on account of said losses, as is claimed by said memorialist.

The claim of the memorialist was brought before the Secretary of the Interior, and was approved by him for the amount of \$9,000, and that amount has been duly paid to said claimant, but the said memorialist claims he did not receive said \$9,000 in full settlement and satisfaction of his claim, but with the understanding, as he claims, that the remainder would be subsequently acted upon.

It further appears from the affidavit of the memorialist that on the 6th day of May, 1872, application was made to the Secretary of the

Interior for the allowance of the remainder of said claim, and that thereupon the Secretary of the Interior informed the claimant that the \$9,000 was considered a full settlement of said claim, and of the whole thereof, and was refused further allowance. And the memorialist claims that he was not allowed the full worth and value of his said mules. That the Secretary of the Interior only allowed him \$200 each for them, and that they were well worth \$250 each. And that the \$3,000 claimed as the cost of the delivery of said hay was a loss sustained wholly from the loss of said mules, and was a direct loss to him; and further, the loss of \$3,900 in not being able to fill his contract was a direct loss to him, and the result of said depredation.

On inquiry by your committee at the Interior Department, as to the reasons for the disallowance of the remainder of said claim, your committee received from said department a communication relating thereto, which they annex to this report, making a part thereof:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 11, 1877.

SIR: In reply to a letter from the clerk of your committee, John B. Smith, dated the 30th ultimo, said to inclose bill H. R. 562 for the relief of James Brice, and asking whether this office disallowed a portion of the depredation claim of said James Brice for \$18,150 in its report to the honorable Secretary of May 28, 1870, I have the honor to state that a part of said claim (viz, \$6,900) was for loss which the claimant alleged he sustained because of the taking of the mules, which, it is claimed, were stolen, and it was consequential in its character, and, on that account, was deemed inadmissible. Two hundred and fifty dollars each was charged for the mules stolen, 45 in number. It was suggested that \$200 each would amply repay the claimant, and the Secretary allowed the claim June 21, 1870, accordingly.

A copy of the report of this office in this claim is herewith transmitted for your further information.

The bill referred to did not accompany the communication.

Very respectfully,

A. BELL,
Acting Commissioner.

Hon. JOHN M. BRIGHT,
Chairman Committee of Claims, House of Representatives.

Your committee come to the conclusion that the reasons given by the Interior Department for refusing to allow the remainder of said claim are right, and therefore adopt the same as the committee's conclusion in the matter; and therefore report back the bill to the House with a recommendation that it do not pass.